



United States Department of the Interior

NATIONAL PARK SERVICE

Chattahoochee River National Recreation Area
1978 Island Ford Parkway
Atlanta, GA 30350-3400

IN REPLY REFER TO:

INCIDENTAL BUSINESS PERMIT INSTRUCTIONS

Enclosed is your application for a Incidental Business Permit (IBP).

36 CFR § 5.3 Business Operations states:

"Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited."

The Superintendent of Chattahoochee River NRA establishes the following guidelines as they relate to business operations within the park.

Under the IBP regulations, IBPs are issued for the calendar year. A written Application for an IBP will be accepted no later than five (5) business days prior to the desired use. For the next calendar year, a written Application for an IBP will be accepted no earlier than December 1st.

IBPs are limited authorizations to provide specific commercial visitor services within the boundaries of the park. Permittees are not concessioners authorized under the Concessions Management Improvement Act of 1998. This is an important distinction in that IBPs must meet criteria before an authorization of their visitor services will be granted. The general criteria are:

1. The authorized activity and service provided must be necessary and appropriate and be consistent with the purpose for which the park area was established.
2. The IBP must not be used to circumvent the planning process of the park or to authorize activities that would impair park resources.
3. The term for IBPs may not exceed one year. The NPS authority to grant IBPs is temporary and may be rescinded at any time. New commercial use regulations are currently being developed at the NPS Washington Office.

4. An IBP may be revoked at any time at the discretion of the Superintendent without compensation to the permittee or liability to the United States of America.
5. The commercial aspects of the services, except for the service itself, must originate and terminate outside of the park, including marketing, advertising, use of temporary or permanent structures, the negotiation of compensation with the customer or the solicitation or receipt of money or other compensation.
6. The permittee may not construct any temporary or permanent structures in the park and will not be assigned any facilities or portions thereof, located in the park, except as allowed to the general public.
7. The NPS does not inspect services provided by the permittee or regulate their rates. The NPS may monitor all activities to verify compliance to rules, regulations, laws, etc.
8. A limited area of a park can be assigned for a specific activity, but the number of permits issued for the activity cannot be limited. However, if use requirements are established for a given area, the permittee will respect a first come-first use policy. No assurance is granted that one would have any preferential right of use over anyone else, regardless if it is a private user or another permittee.
9. The Georgia Department of Motor Vehicle Safety (DMVS) requires that all "for-hire" transportation vehicles must comply with DMVS rules concerning commercial vehicle permits. DMVS considers vehicles "for-hire" if a fee is charged and an individual is transported by the business. Even businesses that state they only charge for the service and provide free transportation must still obtain a permit. All "for-hire" vehicles must be identified as provided by DMVS rules. DMVS Commercial Vehicle Permit applications are available from the IBP Coordinator.
10. The permittee shall certify, in writing, that all Federal, state and local government requirements have been met and required permits or licenses obtained as regards to conducting the commercial activity.
11. Those permittees that wish to provide guide services must provide a statement detailing a guide's experience. The park must approve all guides operating under the permit. This is to ensure that only qualified individuals provide

guide services to ensure a quality experience for park visitors. Additionally, the park must individually approve guides that intend on interpreting the natural or cultural features of the park. Guides become approved by initially guiding a park employee and successfully providing accurate information. Guides are also subject to periodic review.

12. Those permittees that wish to instruct a particular subject must submit a copy of an instructor's certification from an accredited organization with established professional standards. The park must approve all instructors operating under the permit. This is to ensure that only qualified individuals provide instruction to ensure a quality experience for park visitors. For example, a certification from the American Canoe Association would be adequate for a canoe instructor.
13. All guides and instructors operating in the park under the IBP must provide current certifications in a minimum of Standard First Aid and Adult/Child CPR.
14. All vehicles parking in established NPS parking lots must display a daily or annual park pass. Those vehicles operating under an IBP that are utilized for business purposes and must park in NPS parking lots may receive a park pass at no additional cost. Each IBP vehicle operator must apply for the park pass on a standard application form and attach a letter from the permittee stating the business purpose. The application and letter should be sent to the IBP Coordinator.
15. The National Environmental Policy Act (NEPA) requires that all Federal activities undergo an environmental review prior to the activity taking place. An IBP is considered a Federal activity and thus must comply with NEPA. Through the NEPA process the park determines if any adverse environmental effects might be caused by the proposed IBP. If the determination is "No Potential Adverse Effects", a Categorical Exclusion is made. The paperwork for a Categorical Exclusion takes approximately two to three (2 to 3) weeks to complete.

If, however, the determination is "Potential Adverse Effects" may occur, an Environmental Assessment (EA) is required. An EA takes between six (6) months and two (2) years depending upon how long it takes the permittee to work through the process and complete the EA.

16. The Application Cost starts with the NPS receipt of the letter or phone call requesting the use of park resources and ends with the mailing of the application form. It includes all NPS costs for time spent in receiving and analyzing the request, a prorated cost of purchasing or composing and printing the application form and associated material, and those amounts associated with collecting the fees for the application. The non-refundable application fee is established at \$100.00 and must be submitted with an application. This fee will be evaluated annually and adjusted if necessary.
17. The Administrative Cost starts when the completed application form is received and analyzed by the NPS and ends with the final signing of the permit. It includes all NPS costs for personnel, training, and material utilized for that specific activity, as well as any costs required for investigations and approvals, meetings, and travel. The non-refundable administrative fee is established at \$300.00 and must be submitted when the permit is issued. This fee will be evaluated annually and adjusted if necessary.
18. The Management Cost starts when the permittee arrives in the area to perform the permitted use and ends when the permitted use is over and the permittee leaves the park area. This includes all NPS costs for personnel and materials, as well as all follow-up needed in returning the area to its original condition. This cost could be much higher if the park is presented with a more complex request involving activities that would incur greater possible impacts on park resources. The minimum non-refundable management fee is established at \$350.00 and the minimum fee must be submitted when the permit is issued. Any additional NPS costs will be billed to the permittee after costs are incurred at a rate of \$50.00 per hour, per ranger. This fee will be evaluated annually and adjusted if necessary.
19. The permittee shall provide a current Certificate of Insurance for the activities authorized. The amount of insurance shall be in an amount commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event the minimum coverage shall be not less than \$300,000 per occurrence for bodily injury. In addition, automobile liability, watercraft coverage (less than 26 feet covered under comprehensive general liability), and worker's compensation coverage may be needed. Additional insurance coverage may be needed based on proposed permit activities or services.

All liability policies are to name the United States as a co-insured and shall specify that the insurance company shall have no right of subrogation against the United States and shall have no recourse against the Government for payment of any premium or assessment. The policy shall list the permitted activity and the National Park Service shall be identified as the certificate holder.

20. The completed IBP Application should be mailed or delivered to:

Incidental Business Permit Coordinator
Chattahoochee River NRA
1978 Island Ford Parkway
Atlanta, Georgia 30350

Further information can be obtained by telephoning the IBP Coordinator's Office at (678) 538-1262.